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Lincoln

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EXPLORATION

OF THE

Ancient Cities of Central America.

An announcement has been made of the departure for Mexico of an expedition whose object is to make a thorough and systematic investigation of the splendid monuments of antiquity so abundant in Central America and the conterminous states of Mexico. The expedition is now in the field, and

THE NORTH AMERICAN REVIEW

is the medium of a series of articles fully detailing its operations. These papers, to be continued until the labors of the explorers shall be completed, are written by the chief of the expedition, M. Charnay, who is a skilled literary artist, as well as an archæologist, and is familiarly acquainted through his reading and his actual explorations with the whole subject of Central American antiquities. All the noteworthy features of the ruined cities, the buildings themselves, as well as the more interesting details of their ornamentation, the bas-reliefs and the hieroglyphics, will be fully described, and many of them will be

ILLUSTRATED

FROM PHOTOGRAPHS TAKEN ON THE SPOT.

The record of an expedition like this must possess a very special interest for every intelligent American who is curious about the early history of man upon this continent. Indeed, the spectacle of these groups of gorgeously ornate edifices, hid in the heart of the forests, and forgotten for generations, is a standing challenge to American science and scholarship.

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THE TRIAL OF MRS. SURRATT.

FIFTEEN years have passed since that eventful day which witnessed the execution of a woman condemned to death by a military commission, for alleged participation in the murder of the President of the United States.

A generation of men and women has grown up since then, to whom the incidents and scenes surrounding the case are almost unknown.

A great war between the sections had just closed. The magnetic chieftain of the South, who had for so long held together the incongruous elements of the Confederate army by the magic of his name and presence, had finally surrendered at Appomattox to the foremost leader of the Union forces. The heart of the nation throbbed with joy. Exultant music filled the air. Flags and banners with peaceful mottoes festooned the cities of the restored Union, and illuminations, grand in conception and effective in result, turned night into day.

In the midst of this festive period of popular rejoicing, a calamity fell upon the nation that converted all its gladness into sorrow. Abraham Lincoln, the idol of the people—he who, by patient endurance and steadfast faith in the eventual restoration of the Union, by wise counsel and unswerving patriotism, had come to be considered the savior of the Union and a second Washington—suddenly, without warning, and in the midst of his family, seated in one of the private boxes of a theatre, fell by the shot of the assassin. No one not then living, and an eye-witness to the scenes that followed that dire event, can have any conception of the sudden change in popular feeling. But one idea possessed the multitude, and that was revenge; and, in the madness of the hour and an insane desire for retribution, the innocent were made to suffer for the

guilty. I was an eye-witness of this sudden and terrible revulsion of popular feeling that finally ended in the shedding of innocent blood. When it became known that Abraham Lincoln had fallen by the hand of an assassin, rage took possession of the populace; cries of vengeance filled the air; music, that a few hours before had been tuned to the high cadence of patriotic rejoicing, was now a mournful dirge; crape festooned banner and flag, and the grand illumination which had poured its blaze of light upon an exultant throng died out in the solemnity of the hour, and every vein and avenue of life was filled with lamentations at the national bereavement.

The death of the President and the attempted assassination of the Vice-President and Secretary of State were well calculated to fill the public mind with alarm. All of the Confederate forces had not laid down their arms. General Joe Johnston, with the remnant of that command which for prowess and gallantry had been unsurpassed by any army in history, was still in the field, but closely pursued by the forces in command of that renowned Federal General whose remarkable march through the Gulf States from "Atlanta to the sea" had disemboweled the Confederacy. No one knew what might be the effect of this assassination upon the dying Confederacy. By prompt and efficient measures taken to prevent internal dissension, all danger from that quarter passed, and the popular mind was left free to visit its vengeance upon the perpetrators of the foul crime. Had that vengeance been confined to the guilty, and retributive justice visited upon those whose guilt was established beyond doubt, as well by their own confession as by cumulative evidence, mankind would have been spared the shock and the judicial history of our country the stain which time can not efface, of the condemnation and execution of a woman whose innocence is now proclaimed. Passion, however, ruled the hour, and an insane desire for blood; and, as a sacrifice was demanded, instant means were adopted to achieve that end. The army was put in motion. Hundreds of details scoured the adjoining territory, and thousands of detectives peered into every nook and corner where a hiding-place might be discovered. Vast rewards of money and of high promotion were offered for the apprehension of Booth and his co-conspirators. Space will not permit the story of his pursuit and death in the burning barn. Hundreds of the "suspected" were arrested, and the "old Capitol Prison" was filled to overflowing. . . . Among those whom Fate had rudely jostled within the grasp of an excited Administration was a woman, whose name and history

and sad end will descend to the latest generations of time—MARY E. SURRATT.

Mrs. Surratt had been born and nurtured under the "old system" in the State of Maryland. In the earlier years of her life she had been a *belle* in her county; and, at the period when, as her counsel, I had been brought into intimate relations with her, she was still a woman of fine presence and form. She had married a well-to-do man of the world, who, dying, bequeathed to her charge three children (two sons and a daughter), and a large plantation well stocked, and cultivated by numerous slaves; also, certain property in the city of Washington, which was destined to become the center of universal observation. This was her state and condition when the war between the sections began.

Her estate, being situated in the county of Marlborough, near the Federal capital, very early in the war began to suffer from the depredations of the army and its followers. One by one her slaves disappeared; her crops melted away, and the fences of her farmland were broken up and burned by troops camped upon its broad acres. Like all other property within the *cordon* of forts and lines of protection for the Federal capital, it soon became a barren waste, giving no means of support to tillers of the soil. The *corps d'armée*, and quartermaster's department, with its seductive remuneration, had absorbed all labor. The furrows that were upturned by them gave more promise of sudden wealth than golden grain.

In this state of affairs, bereft of the means of support for herself and family upon the familiar farm, she directed her steps to Washington, and occupied as a boarding-house the premises therein bequeathed by her husband.

Her family, save the youngest son, had reached maturity. Her eldest son, John, who had been a student of divinity in a Catholic college, as the war progressed, engaged in the adventurous pursuit of a blockade-runner between Montreal and Richmond and its intermediate points. When in Washington he was an inmate of his mother's home, and his companions, naturally, were men who sympathized with the South. His sister, young and graceful, attracted the attention of gentlemen of society, and among the frequent visitors was John Wilkes Booth, at that time reported to be betrothed to the daughter of a United States Senator.

It was alleged on the trial that this house was a secret rendezvous of those who plotted treason against the Government. If that be granted, still it can be asserted that, in all the pages of the record

of that trial, there can be found no testimony to show that Mrs. Surratt was cognizant of the same, or even participated in a single meeting. The testimony of Weichman—the one whom she had nurtured as a son, and who falsely swore her life away to save his own—nowhere reveals the fact that she ever participated in any plot, or was privy to the knowledge that in her house were planned the abduction and final assassination of that great man whose heart beat only with kindness and sympathy for all.

How the chain of untoward circumstances seemed to weave itself around this widowed and forlorn woman! It is said that "misfortune is never mournful to the soul that accepts it; for such do always see that every cloud is an angel's face." To me it seems there could be no angel's face in the dark cloud that gathered over this poor woman's life. There could have come no bright spirit in disguise to weave about her the web of misfortune that finally closed around her on the ignominious scaffold.

From the time that Booth gave Weichman the ten dollars to hire a buggy to convey Mrs. Surratt to Upper Marlborough Court-House, on the day preceding the night of the assassination, where she went on business connected with her estate, and was made by Booth the innocent bearer of a note and arms to a co-conspirator, who also perjured himself to save his worthless neck, to the second day after the murder of the President, when Lewis Payne, who had made the bloody assault upon the Secretary of State, knocked at her door disguised as a laborer with pick and shovel, the chain of unfortunate circumstances seemed to array itself against the unhappy woman. These two points were, in fact, the only ones of any importance whatever presented by the prosecution, through which they claimed to have established the connection of Mrs. Surratt with the plot to murder the President. One, as stated, was the transmission of a bundle containing a spy-glass and revolver from Booth to a co-conspirator at Surrattsville, on the day preceding the night of the murder. The facts connected with that charge, and which have never been questioned or disproved, and in the light of subsequent events have become fully established, are as follows: Mrs. Surratt had been greatly troubled about certain financial matters relating to her estate in Maryland. Relief had been suggested by a friend, a gentleman of character whom we called as a witness in the endeavor to establish the true cause of her visit to Marlborough Court-House, and at whose instance, by a letter which we offered in evidence, and was by him identified, she had been urged

to meet him on that day at that point for the purpose of arranging these matters. The witness Weichman was often the companion of her journeys to and from her estate. John Wilkes Booth, the frequent visitor, occasionally loaned her his horse and buggy for that purpose. On the morning preceding the assassination, Mrs. Surratt received the note demanding her instant attendence at Upper Marlborough Court-House. She communicated this fact to Weichman, and requested him to obtain from Booth his horse and buggy for that purpose. This was admitted by Weichman on cross-examination. Weichman went immediately to Booth and asked that favor, stating the object. According to the declaration of Payne, it was on that morning (Good Friday) that Booth learned at the theatre that the President would be present at the performance in the evening, and had thereupon gathered the conspirators in a meeting at the Herndon House, and there prepared and arranged the form of the deadly attack upon the President, and his mode of escape after the commission of the crime. When Weichman approached Booth, it was just after this meeting of the conspirators at which these and other details of the assassination had been arranged, and while Booth was still revolving in his mind the means of escape. A pistol and spy-glass would be burdensome upon his person when making the desperate leap from the private box in the theatre. Booth replied to Weichman that he was sorry he could not accommodate Mrs. Surratt, as he had sold his horse and buggy. Weichman was about to return with this answer when Booth said, "Here! take this ten dollars and hire one." Weichman hired the conveyance, and as he and Mrs. Surratt were seated in the buggy, about to drive from her house, Booth made his appearance hastily upon the scene, and requested Mrs. Surratt to hand the bundle to John M. Lloyd, the tavern-keeper at Surrattsville, as she would have to drive through that village on her way to Marlborough Court-House. As Mrs. Surratt was the recipient of this and other kindnesses from Booth, could she have done else than accede to so simple a request? Weichman further testified that, when Mrs. Surratt saw Lloyd at Surrattsville, she did not alight from the buggy, but called him to her side and gave him the bundle. Lloyd testified that when she handed him the bundle she said: "Here are the shooting-irons; Booth will call for them to-night." When the fact is made to appear that Booth was a frequenter of that neighborhood, and an intimate of the man Lloyd, to whom was delivered the bundle containing the pistols and spy-glass, and it is remembered that

Lloyd was the keeper of the hotel at which Booth often stopped while hunting in the neighborhood, is it singular that Mrs. Surratt should have made the jocular remark, "Here are the shooting-irons"? It is no doubt true that Booth told her the bundle contained pistols, and that he would call for them that night. And yet, in that conveyance of arms and in that remark, is the point of evidence on which the prosecution principally sought to connect the unfortunate woman with the commission of the crime, as an accessory before the fact. And on *such* evidence (?) was this woman condemned to an ignominious death upon the scaffold! Booth instantly saw his opportunity to convey his arms to a point on his route of escape, through the journey of Mrs. Surratt to Marlborough Court-House, and she, having been made the innocent means of conveyance, was condemned and executed as a murderess.

The other point of evidence, upon which the prosecution relied to establish her guilt, was the fact, as stated, of Payne's appearance at the house of Mrs. Surratt, on the night following that of the assassination. A short *résumé* may be necessary to present this point clearly to the public mind.

Payne was a native of the South, had served in the Confederate army, and toward the close of the war had drifted into the North. Meeting an emissary of Booth in the city of Baltimore, he was quickly brought under the baleful influence of that designing character. Payne, who was a stranger in Washington, had met Booth and other conspirators in the room of John Surratt during one of his periodical visits, and thus became acquainted with the location of the house. The part of the murderous work assigned to Payne was the assassination of the Hon. William H. Seward. How faithfully he endeavored to perform his share of the horrible crime is well known. Nothing but the kindly interposition of Providence restored to the country the life of that great man, as Payne left him on his bed covered with wounds and weltering in his gore.

In the confession made by Payne to his counsel, in which he stated in full his connection with the conspiracy, he related that after the attempted assassination of the Secretary of State, and supposing that he had accomplished his fiendish work, he endeavored to make his escape to Baltimore, and proceeded in the darkness of the night in that direction. The gray of the morning soon warned him, however, that it was not safe for him to proceed longer, and, to escape observation, he climbed a large tree. A farmhouse was situated not far off, he knew, as the farmer's dogs were baying in

the distance. The tree, thick with early spring foliage, was near the roadside, and just after daybreak he heard the rush of cavalry, and, peering forth, saw them distinctly as they passed by on their search for the murderers. This rush of cavalry continued all day long, and motives of safety compelled him to remain in the tree. The gnawings of hunger were intense, and a burning thirst seized upon him. As night again fell upon farm-land and city, his hunger and thirst becoming unbearable, he descended and approached the farmhouse. He did not alarm its inmates, as to do so would be to surrender himself to justice, as by this time the whole country was aroused, and placards descriptive of the murderers and offering large sums for their apprehension were posted in every direction.

Unable to appease the cravings of hunger, knowing no one, a stranger in a strange land, with the blood of murder upon his hands, with every man's arm uplifted against him, and a price set upon his head—in a starving condition, he sought the only means he knew of in the world to relieve himself, and that was to go in search of his friend John Surratt. Close by the farmer's house lay a pick and shovel, and an old cast-off hat. These he seized to aid in disguising himself, and, placing the hat on his head and the pick and shovel on his shoulder, he retraced his steps to that city in which, on the night previous, he had bathed in blood the silver locks of an old and honored man. Tortured by the phantasies of his crime, and startled by every swinging bough and rustling leaf, with the shadows shaping themselves into forms of avengers, his return to the city was slow and weary. It was just after midnight that he reached Mrs. Surratt's house and knocked at the door. It was answered by the officers who had taken possession of the house and arrested its inmates. The question was asked Payne what he wanted at that hour. He replied, seeing the state of affairs, that he had been employed by Mrs. Surratt the day before to dig a drain, and had come to see at what hour in the morning he should begin. He was asked where he lived, and replied that he was a poor workingman and had no home. That answer seemed sufficient to cause his arrest, which was accomplished, and he was taken to the office of the Provost-Marshal, where he proved to be the assailant of the Secretary of State. This was a part of the chain of circumstances that wound itself about the unhappy woman.

The question may be asked, Why could not the facts explaining this circumstantial evidence and confirming the innocence of Mrs. Surratt, be established before the Military Commission? I answer

as my belief, that the Commission was organized to convict. The state of the public mind was such that the desire for revenge had taken the place of justice, and, for a time, a reign of terror prevailed. In the words of the "New York Herald," "a thirst for vengeance seemed to have taken possession of every soul. It was felt that some one ought to be hanged, and there was a disposition to begin upon the first available person." The Commission that was organized by the Executive order of May 1, 1865, to try these parties, was naturally influenced by the frenzy of the public mind. The fairness and equity characterizing the proceedings of a *civil* court had no sway in the decisions of a Military Commission that rejected or admitted just such testimony as its judge-advocate declared should be admitted or rejected. Under such a procedure nearly all evidence having weight for the defense was, on one pretext or another, rejected ; and all evidence that tended toward conviction, no matter how suspicious, was admitted.

Upon the very threshold of the proceedings there was enacted a scene that deprived the defense of the services of a most eminent lawyer and jurist, then occupying a seat in United States Senate, and likewise fully expressed the *animus* of the Commission.

On the third day of its session, General T. M. Harris, a member of the Commission, objected to the admission of Hon. Reverdy Johnson as counsel before the Commission, on the ground that he did not recognize the moral obligation of an oath designed as a test of loyalty, referring to a printed letter dated Baltimore, October 7, 1864, upon the "constitutionality, legal and binding effect and bearing of the oath prescribed by the late Convention of Maryland, to be taken by the voters of the State as the condition and qualification of the right to vote upon the new Constitution."

The letter, published over the signature of the Hon. Reverdy Johnson, pending the adoption of the new Constitution of Maryland, contained the following passage, to wit : "Because the Convention transcended its powers, as I am satisfied it has, that is no reason why the people should submit. On the contrary, it should lead them to adopt the only course left to redress the wrong. The taking of the oath under such circumstances argues no unwillingness to surrender their rights. It is indeed the only way in which they can protect them, and no moral injunction will be violated by such a course, because the exaction of the oath was beyond the authority of the Convention, and as a law is therefore void."

This was the ground of objection as urged by the member of

the Commission, and which had no connection with the proceedings of the Commission. The object was apparent—to insult and drive from the court-room the Hon. Reverdy Johnson, who, it was already understood, would in an argument, to be spread upon its records, attack the constitutionality of the Military Commission.

Reverdy Johnson replied to this base and insidious charge in a manner it justly deserved, characterizing its *animus* with proper emphasis. He explained at length the meaning and intention of his letter, charged upon them the *animus* of their objection, and demonstrated that he was clearly correct in his deductions, and that *his* opinion was the opinion of the whole bar of Maryland, regardless of party. He said: "And I said, in common with the whole bar of the State (and with what the bar throughout the Union would have said, if they had been consulted), that to that extent they had usurped the authority under which alone they were authorized to meet, and that so far the proceedings were a nullity. They had prescribed this oath, and all that the opinion said or was intended to say was, that to take the oath voluntarily was not a craven submission to usurped authority, but was necessary in order to enable the citizen to protect his rights under the then Constitution, and that there was no moral harm in taking an oath which the Convention had no authority to impose."

The great jurist said further, that for nearly half a century he had practiced in the courts of nearly every State in the Union, and in the Supreme Court of the country, and for the first time in his life his personal integrity had been questioned, and that it remained for a member of a commission not known to the law to make that first imputation. He would, however, say to that member that not only had he been honored in the practice of his profession, and had been the recipient of marked esteem from the highest court in the land, but that likewise he was a member of that honorable body that helped *to create armies and that made major-generals.*"

The object of all this was to drive him from the defense, which was successful. Although, after his speech and manner, they dared not openly drive him from the court-room, and therefore rejected the motion of General Harris, yet the object was accomplished; for Senator Johnson, deeply wounded, retired from the court-room and eventually from the case, appearing no more in person, but presenting through the writer his powerful argument on the jurisdiction of the Military Commission.

In further illustration of the determination on the part of the Commission to exclude the testimony for the defense, may be mentioned the following incident of the proceedings: It is a fact well known that vast rewards were offered by the authorities for testimony that would tend toward the conviction of the arrested parties. Among those who perjured their souls to obtain from the Government a sum of money, was a party by the name of H. Von Steinaker. This individual swore that he had been an officer in the Topographical Department of the Confederate army, serving on the staff of General Edward Johnson, with the rank and pay of an engineer, and that altogether he was in the Confederate service three years; that in the summer of 1863 he saw and was introduced to three civilians in the camp of the Second Virginia Regiment, one of whom was John Wilkes Booth; that the plan of the proposed assassination was related and approved in all its details; and that it was agreed to send certain officers on "detached service" to "Canada and the borders," to release rebel prisoners, to lay Northern cities in ashes, and, finally, to obtain possession of the members of the Cabinet and kill the President.

This wholesale perjury was so apparent that we immediately set about impeaching the character of the alleged testimony and showing this witness in his true colors. On the morning following his appearance in court we presented to the Commission, in written form, our allegations impeaching his veracity and character as a witness for the Government. By the testimony of witnesses present, we proposed to show that he was a deserter from the Federal army; that in the beginning of the war he had enlisted as a private in Blenker's regiment of New York Volunteers; that, having been condemned by a court-martial for stealing an officer's arms and equipments, he had escaped to the Confederate lines, and having enlisted as a private had been detailed as a draughtsman by Oscar Heinrichs, an engineer officer on Edward Johnson's staff; that while serving in that capacity he was again convicted by a court-martial for stealing an officer's coat and arms; that at the battle of Antietam he was captured in our lines and escaped by representing himself as being in possession of the dead body of Major Douglas, of Edward Johnson's staff—then alive.

Instead of the Commission permitting the defense to establish these facts by competent testimony, and place the brand of infamy upon a perjured wretch, one of the members of the Commission, General Lewis Wallace, with much warmth of speech denounced

the attempt of counsel to impeach the testimony of Government witnesses.

We replied that such a speech came with bad grace from a member of the Commission, who was presumed to be sitting as an impartial judge; that we were standing within the portals of a *constituted* temple of justice, and defending the citadel of life, and that it was our bounden duty, and an obligation we owed to our oaths of office, as well as to our client, to impeach the testimony of each and every Government witness that could be properly impeached with the forms of law that obtained in a civil court of justice. It was, however, of no avail, and, on motion of the Judge-Advocate, our whole impeachment was stricken from the record. It does not therefore appear in the printed proceedings of the trial, but can be found in the files of the "National Intelligencer" of May 31, 1865.

We, however, insisted upon the testimony of General Edward Johnson, who swore that Von Steinaker was never an officer on his staff, but was an enlisted soldier detailed as a draughtsman. We also called Oscar Heinrichs, the engineer officer on Johnson's staff, who also swore to the same; and Major H. K. Douglas, whose "dead body" Von Steinaker represented to have in his possession at the battle of Antietam. All of these witnesses swore that Booth or other conspirators never made their appearance in their camp, and that no officers of their command were ever sent on "detached service" to lay waste Northern cities or kill the President.

In further illustration of this *animus* of the Commission, one other case will be cited. Near the close of the trial, and after the testimony of the heartless and perjured Weichman had been given, stung by feelings of remorse, Weichman called at the rooms of a young man, now connected with one of the Catholic institutions of learning, but at that time a resident of Washington, with whom he was on terms of intimacy, and, during an earnest conversation, admitted that he had sworn falsely with regard to the connection of Mrs. Surratt with the murder of the President; that having been an inmate of her home during the formation of the conspiracy he was himself suspicioned and was threatened by the authorities of the War Department, in which for some time he had been a clerk, with arrest and trial with the other prisoners, unless he made a statement implicating Mrs. Surratt; that upon such demand he prepared a statement, which was rejected by the Judge-Advocate-General with the remark that "it was not strong enough"; that his life being threatened, he made out another statement which was

in accordance with their wishes and demands, and this "statement" he swore to on the witness-stand, falsely implicating Mrs. Surratt in the conspiracy. The young man to whom Weichman made this confession communicated it to the counsel of Mrs. Surratt, and offered to go upon the witness-stand and swear to the same. We took the proper steps to have him called as a witness, but the Commission, taking advantage of a technical ground, refused to permit him to testify on this *all*-important point. How well this speaks for justice! Can any one deny that the Commission was organized to convict?

It is not my intention to enter upon a defense of Mrs. Surratt. Were I so inclined, the limits of a magazine article would not admit. My object is to present to the public some of the salient features of that trial, and to relate a few interesting incidents, connected therewith, not generally known to the public. To relate them all would consume many pages of this Review.

The incidents connected with the issuance of the writ of *habeas corpus* and its suspension by the President of the United States form one of the most interesting recitals connected with the case. They have been related before to a limited extent. We give them now to the wide circuit of the Review.

It will be remembered that the trial was a very long and tedious one, consuming more than two months of the hottest period of that year. Our labors had been very severe—compelled as we were to be in the court-room, which was in the old Arsenal building, formerly the Washington Penitentiary, frequently from ten in the morning until six o'clock at night, watching closely the proceedings in an atmosphere rendered very impure by the crowded condition of the small room, badly ventilated.

Compelled to produce our own witnesses, frequently we spent almost the entire night in obtaining them from remote points of the adjoining States. After the long and exhaustive trial, naturally we were gratified at its close, and, as young men in our profession, still more so, at the congratulations of many of the older members of the bar who had closely examined the testimony, as each day it appeared, and predicting the acquittal of our client. About five o'clock in the afternoon of the 6th of July, while sitting in our office awaiting the findings of the Commission, we were suddenly startled by the cry of the newsboys on the street, "The execution of Mrs. Surratt!"

We found to our dismay that, instead of an acquittal, or at most

a temporary confinement of our client, the judgment of the Military Commission had been that of death, and the President had signed her death-warrant. So sudden was the shock, so unexpected the result, amazed beyond expression at the celerity of the order of execution, we hardly knew how to proceed.

Acting upon the first impulse, we went hastily to the White House and endeavored to have an interview with the President, in the hope that Executive clemency might so far intervene as to grant a respite for a few days at least. In this we were baffled. We were informed that the President would see no one. Attempting to pass inside of the main doors, we were met by Preston King, of New York, who, pointing to the guard of soldiers stationed at the foot of the staircase with fixed bayonets, informed us that it was "useless to attempt an issue of that character." We went to plead for three days of life for this poor woman, that she might arrange her earthly affairs and prepare for eternity, and we were denied admission.

As we could not obtain an audience with the President, the aid of distinguished gentlemen was sought. They, too, were foiled.

It must not, however, be forgotten that a noble woman, pushing aside the bayonets of the soldiers, gained admission to the President. Alas! her burning words and queenly presence could make no impression for the innocent. I refer to Mrs. General Williams, at that time the widow of Senator Douglas.

Our next movement was, in company with the daughter, to go to the Judge-Advocate-General and implore his services in her behalf. Notwithstanding he had conducted in chief the trial, we thought that, touched by the unutterable woe of the poor girl, the pitying chords of sympathy might find a responsive echo in his heart. Our plea was in vain. His heart was chilled, his soul impassive as marble. Upon her bended knees, bathed in tears, the forlorn girl besought him to go to the President and beg a respite for *three* days —three days more of life for the mother about to be murdered by the strong arm of the Government. Finally, to close the scene, the Judge-Advocate-General agreed to meet us at the Executive Mansion at a given hour. We reached there at the appointed time. He had gone before us, and was just emerging as we came.

He said: "I can do nothing. The President is immovable. He has carefully examined the findings of the Commission, and has no reason to change the date of execution, and you might as well attempt to overthrow this building as to alter his decision." We

left in despair, and telegraphed the situation to Hon. Reverdy Johnson, requesting his immediate presence. He was at his home in Baltimore City, and telegraphed the following reply: "It is very late. There are no trains to carry me to Washington City. Apply for a writ of *habeas corpus* and take her body from the custody of the military authorities. We are now in a state of peace—not war." It was now nearly midnight, and this was our last hope. But to whom should we apply for the writ? What judge on the bench was bold enough to assert the sanctity of his ermine, and preserve it pure in the face of popular clamor and the well-known spirit of lawlessness that characterized those in authority? We determined, nevertheless, to make the attempt, and, although past midnight, proceeded to prepare the petition, upon which, as we supposed, hung the life or death of our client. We never for a moment doubted the efficacy of the writ, could we prevail upon its issue.

Completing our labor, we drove immediately to the residence of the Hon. Andrew Wylie, and, just as the clock tolled the hour of two in the morning, rung the front-door bell. A window above us was raised, and the well-known voice of the Judge greeted us with the query, "What do you want?" We answered, "Important business of a judicial character, upon which hangs life or death." The window closed, and in a few moments the Judge admitted us into his study, clad only in his dressing-gown, the weather being warm. The Judge listened attentively to each sentence of our petition, which was of some length, immovable, sitting like a statue in the glimmer of the gas-light overhead, not interrupting us once during the whole of the reading, and the brief argument that followed. At its conclusion he took the papers, and quietly remarking, "Please excuse me, gentlemen," retired to his chamber.

Our hearts fell within us as he closed the door behind him, as we conceived the idea that he was about to reject the petition, and, being in an unclad condition, had gone to put on his clothes. In a few moments, however, he returned with the papers in his hand, remarking: "Gentlemen, my mind is made up. I have always endeavored to perform my duty fearlessly, as I understand it. I am constrained to decide the points in your petition well taken. I am about to perform an act which before to-morrow's sun goes down may consign me to the old Capitol Prison. I believe it to be my duty, as a judge, to order this writ to issue; and" (taking up his pen) "I shall so order it." With many thanks we received back the papers, and carried them in person to the clerk of the court, who

made out the writ in accordance with the order of Judge Wylie, and at four o'clock in the morning we placed it in the hands of the United States Marshal, with the request that it be served immediately upon General Hancock, the commandant of the military district in which the body of Mrs. Surratt was confined.

The judicial act of Judge Wylie, performed in the face of reckless passion which in that sanguinary hour would have swept away all forms of law, remains fadeless in its luster, and, touched with the mellow hues of time, stands brightly forth, crowning with garlands the closing years of that brave man who, in the face of bayonets, "dared to perform his duty as he knew it."

Ah! well would it have been for the judicial history of this country had that "writ of writs" been obeyed, and the sacred majesty of the law maintained!

The United States Marshal served the writ upon General Hancock. The President and his ill advisers, believing, however, that General Hancock would, undoubtedly, obey the writ, assumed the illegal authority of suspending it. General Hancock appeared in obedience to that summons, before Judge Wylie, accompanied by the Attorney-General of the United States, who, as the representative of the President, presented to the Court the following return, which was an Executive order suspending the writ of *habeas corpus*, to wit:

EXECUTIVE OFFICE, *July* 7, 1865, 10 A. M.

To Major-General W. S. HANCOCK, commanding, etc.

I, Andrew Johnson, President of the United States, do hereby declare that the writ of *habeas corpus* has been heretofore suspended in such cases as this, and I do hereby especially suspend this writ, and direct that you proceed to execute the order heretofore given upon the judgment of the Military Commission, and you will give this order in return to this writ.

(Signed) ANDREW JOHNSON, *President.*

General Hancock has been charged with disobeying the writ. Nothing could be further from the truth. He obeyed the writ, so far as he was permitted to do so by the Court itself, and so prompt was the performance of his duty, in the estimation of the Court, that Judge Wylie complimented him on his ready obedience to the civil authority, and discharged him from the process because of his own inability to enforce the order of the Court. General Hancock's appearance before the Judge showed his respect for the civil process of the Court, and it became his duty to present to the Judge the order of the President suspending the writ, and to know whether he

would submit to or reject the suspension. Judge Wylie acquiesced in the suspension of the writ, stating that "the *posse comitatus* of his court was not able to overcome the armies of the United States under the command of the President." There was not the slightest show of any disposition on the part of General Hancock to resist the civil process of the Court; and, had the Judge deemed it best to make an issue with the President, and refused to recognize the validity of the suspension of the writ, and had ordered General Hancock to have produced before him the body of Mrs. Surratt notwithstanding the order of the President, doubtless General Hancock would have attempted to comply with that order of the Court, and he, together with the Judge, have been arrested and thrown into prison. The order of the Court, however, did not extend any further, but the Judge, complimenting the General for his respect for the civil authority, dismissed him from the process. The charge, therefore, that he refused to obey the writ is without the slightest foundation in fact.

With the suspension of the writ, and the refusal of the President to grant a respite, all hope faded, and we proceeded to the Arsenal to take a last farewell of the doomed and innocent woman. On our way we noticed cavalrymen stationed at points along the line from the White House to the Arsenal. These were couriers stationed by order of General Hancock to speed the tidings, should the President at the last moment relent, and grant a pardon or reprieve.

On arrival at the Arsenal, we went immediately to the cell where Mrs. Surratt was confined, and there found her in company with her spiritual advisers, Fathers Walter and Wiget. Taking my last farewell of the poor woman, I proceeded to the eastern extremity of the building, and there met General Hancock, who had just arrived, and who had come, as he stated, for the purpose of being at that point should a reprieve arrive from the President, as undoubtedly it would be directed to him as the commandant of the military post. The final moment came, however, without pardon or reprieve from the President. My pen is too dumb to describe the heart-rending scene at the parting of mother and daughter.

General Hancock took no part in the execution, as General Hartranft had been specially designated by the President, in Executive order of May 1, 1865, originating the Military Commission, as special Provost-Marshal-General to "execute the mandates of said Commission." The order of execution was at length given by General Hartranft, and the solemn march of death began.

First was the boy Herold, a half-witted youth of nineteen, who had been the frequent companion and guide of Booth on his hunting expeditions in the counties of Maryland bordering upon the Potomac, and, fascinated by his courtly bearing, had in a measure become his slave, and so followed willingly his tortuous ways as a conspirator. Next came Atzerodt, to whom had been assigned the assassination of the Vice-President, and who essayed to speak upon the scaffold, but lost his voice in fear. Following him was the man Payne, who marched forward like a soldier going to battle, who had said that he accepted death as the result of his attempt to murder the Secretary of State ; that he had knowingly taken his life in his hands when he endeavored to commit that fearful crime, and now had no fault to find with the Government for hanging him. And last in that solemn march to an ignominious death was the victim, Mary E. Surratt, upborne by two soldiers, as, weak and prostrate from disease contracted within her damp cell, she was unable to walk, preceded by Father Walter bearing a crucifix, upon whose image she steadfastly gazed.

And here permit me to make a statement of fact which should for ever set at rest the question of the guilt or innocence of this poor woman.

When the order came from the Provost-Marshal for her to ascend the scaffold, and after the sacrament of extreme unction had been granted by her priest, and he had shrived her for eternity, she said to him, "*Holy father, can I not tell these people before I die that I am innocent of the crime for which I have been condemned to death?*" Father Walter replied : "No, my child ; the world and all that in it is has now receded for ever. It would do no good, and it might disturb the serenity of your last moments ! " To this she bowed in submission, and passed to the platform of the gallows. There General Hartranft read the findings of the Commission and the President's order of approval, and, at a signal from him, the body of the murdered woman was swung from the scaffold, and her immortal spirit entered the celestial city with "alabaster domes and silver spires."

Before closing, I desire to mention two other interesting facts : the first, the recommendation to mercy signed by a majority of the Commission ; the second, Payne's confession.

It was at first proposed (and I have it from most credible authority) to acquit Mrs. Surratt, or at least to spare her life. To this the Judge-Advocate-General objected, and in its stead proposed that

the Commission render the same judgment as in the cases of Payne, Atzerodt, and Herold, with a recommendation to the President for mercy in her case. This course was finally adopted, the judgment rendered, and the recommendation drawn up and signed by a majority of the Commission.

Andrew Johnson averred upon his honor that he never saw that recommendation until two years after the execution, when, sending for the papers in the case, he found it among them, in a detached form. It is doubtless true that the recommendation for mercy was not placed before the President with the findings of the Commission at the time they were presented for his approval, but was retained by those in authority, who sought the blood of this innocent woman.

The second fact is the declaration of Payne, made on the morning of the execution to General Hartranft, the special Provost-Marshal, and sent to the President by his order. The statement, as taken down by him, is as follows:

"*The prisoner Payne has just told me that Mrs. Surratt is entirely innocent of the assassination of President Lincoln, or of any knowledge thereof. He also states that she had no knowledge whatever of the abduction plot, that nothing was ever said to her about it, and that her name was never mentioned by the parties connected therewith.*"

At the close of the letter General Hartranft wrote these significant words: "*I believe that Payne has told the truth in this matter.*"

General Hartranft hastily sent this dying declaration of Payne to the President. It was, however, of no avail. Her death had been determined on.

Fifteen years have passed away since the "high noon" that witnessed the execution of Mrs. Surratt. Empires have risen and fallen, great battles have been fought, kings dethroned, and boundary-lines of nations swept from the world, since that hour of national disgrace, and yet that scene remains in all its vividness, to haunt the memory and stain the pages of our judicial history.

John W. Clampitt.